

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELISEO LOPEZ MARTINEZ, *aka*
"Mateo," aka "Teo," TOMAS
ALVARADO, and JENNIFER
MICHAEL SWANSON,

Defendants.

CR 13-26-BLG-SPW

FINAL ORDER OF
FORFEITURE

WHEREAS, in the indictment and superseding information in the above case, the United States sought forfeiture of any property of the above-captioned persons, real or personal, pursuant to 21 U.S.C. § 853 as property used or intended to be used to facilitate said violations;

AND WHEREAS, on May 14, 2013, ELISEO LOPEZ MARTINEZ, *aka* *"Mateo," aka "Teo,"* and TOMAS ALVARADO each entered into a plea agreement wherein each pleaded guilty to conspiracy to possess controlled substances with intent to distribute in violation of Title 21 U.S.C. § 846 (Count I), of the indictment;

AND WHEREAS, on June 13, 2013, JENNIFER MICHAEL SWANSON entered into a plea agreement wherein she pled guilty to possession with intent to

distribute methamphetamine in violation of Title 21 U.S.C. § 841(a)(1), of the superseding information.

Moreover, pursuant to the plea agreements on file, the defendants admitted that forfeiture is appropriate and consented to the entry of a preliminary and final order of forfeiture deemed appropriate by the United States regarding the real and personal property described below;

AND WHEREAS, by virtue of said guilty pleas, the United States is now entitled to possession of that property more specifically described below, pursuant to 18 U.S.C. § 924(d); 21 U.S.C. § 853 and Rule 32.2 (b)(2) of the Federal Rules of Criminal Procedure;

AND WHEREAS, a Preliminary Order of Forfeiture was issued by this Court on October 4, 2013. Pursuant to that Preliminary Order of Forfeiture, the United States was authorized and ordered to seize the below-described personal property, and it was ordered forfeited to the United States for disposition in accordance with law;

The personal property in question is specifically described as follows:

- Smith and Wesson, model 25-5, .357 caliber, revolver (S/N N765181); and
- Ruger P94, .40 caliber handgun.

AND WHEREAS, the United States published notice of the defendants' forfeiture on the official government internet website (www.forfeiture.gov) for at least 30 consecutive days. A Declaration of Publication was filed on November 25, 2013;

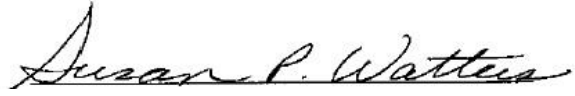
AND WHEREAS, the Court has been advised that no claims or petitions have been filed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the right, title, and interest to all of the above-described property is hereby condemned, forfeited, and vested in the United States of America for disposition according to law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all forfeited funds, or funds derived from the forfeited property, including but not limited to currency, currency equivalents, and certificates of deposit, as well as any income derived as a result of the United States' management of any property forfeited herein, and the proceeds from the sale of any forfeited property, after the payment of costs and expenses incurred in connection with the forfeiture, sale, and disposition of the forfeited property shall be deposited forthwith by the United States into the Department of Justice Asset Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 853. The Clerk is hereby directed to send

copies of this Order to all counsel of record; the defendants; and three certified copies to the United States.

DATED this 4th day of February 2014.


SUSAN P. WATTERS
United States District Judge